TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1903.

No. 124.

JOHN WILLIAMS, CHIEF, ETC., [illegible]
PARK ET AL., APPELLANTS,

vs.

CITY OF ORLEANS, [illegible]
PARK ET AL.

APPEAL FROM THE [illegible]
[illegible]

FILED [illegible]

(24,731)

(24,731)

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1916.

No. 128.

JOHN WILLIAMS, CHIEF; MICHAEL WILLIAMS, SECRETARY, ET AL., APPELLANTS,

vs.

CITY OF CHICAGO, ILLINOIS CENTRAL RAILROAD COMPANY, ET AL.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF ILLINOIS.

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1–7 *Amended Bill.*

In the District Court of the United States for the Northern District of Illinois, Eastern Division.

In Equity. No. 133.

JOHN WILLIAMS, Chief; MICHAEL WILLIAMS, Secretary; THOMAS Topash, Chairman Business Committee; Isaac Augusta, Frank Sawalk, Arthur A. Lexis, Lewis Baziel, and Stephen Topash, Members of Business Committee of the Pokagon Band of the Pottawatomie Nation of Indians,

vs.

CITY OF CHICAGO, ILLINOIS CENTRAL RAILROAD COMPANY, SOUTH Park Commissionrs, Lincoln Park Commissioners, Illinois Steel Company, Michigan Central Railroad Company, Cleveland, Cincinnati, Chicago and St. Louis Railway Company, and Minneapolis, St. Paul and Sault Ste. Marie Railway Company.

Amended Bill of Complaint.

To the Honorable the Judges of the District Court of the United States in and for the Northern District of Illinois, Eastern Division:

John Williams, Chief, Michael Williams, Secretary, Thomas Topash, Chairman Business Committee, Isaac Augusta, Frank Sawalk, Arthur A. Lexis, Lewis Baziel and Stephen Topash, members of Business Committee of the Pokagon Band of the Pottawatomie Nation of Indians, residing in the State of Michigan, by leave of court hereby present their bill of complaint against the
City of Chicago, a municipal corporation within the County
8 of Cook and State of Illinois; the Illinois Central Railroad Company, a corporation organized under the laws of the State of Illinois, the South Park Commissioners, a municipal corporation within the County of Cook aforesaid; the Lincoln Park Commissioners, a municipal corporation within the County of Cook aforesaid; Illinois Steel Company, a corporation organized under the laws of the State of Illinois, the Michigan Central Railroad Company, a corporation organized under the laws of the State of Michigan, the Cleveland, Cincinnati, Chicago and St. Louis Railway Company, a corporation organized under the laws of the State of Ohio, and the Minneapolis, St. Paul and Sault Ste. Marie Company, a corporation organized under the laws of the State of Minnesota.

These complainants represent:

1. They bring this action on behalf of themselves and of all members of the Pokagon Band of Pottawatomie Indians, and of all other

members of the Pottawatomie Nation of Indians, if any are entitled to join herein with them, and of all others, if any, who are entitled to join herein with them; that the matter in controversy in this cause, exclusive of interest and costs, exceeds the sum of value of Three Thousand Dollars ($3,000), and arises under the Constitution and laws of the United States and treaties made under their authority; that it is to redress the deprivation under color of laws, statutes, regulations and ordinances of the State of Illinois, of rights, privileges and immunities secured to these complainants and the said Pottawatomie Nation of Indians by the Constitution of the United States prohibiting the passing of any law impairing the obligations of contracts, and without due process of law, as provided by the 14th amendment of the Constitution of the United States.

2. That these complainants and the members of the said Pokagon Band of Indians and all others, if any, on whose behalf this suit is brought, are members of the Pottawatomie Nation of Indians with whom the United States, on the 3rd day of August, 1795, entered into a treaty of peace at Greenville, Ohio, to which these complainants refer and ask that the same may be considered a part of this bill of complainant.

3. That at the time of the making of said treaty the said Pottawatomie Nation of Indians were the owners of and in possession and in occupancy as a sovereign and independent nation, from time immemorial preceding the said treaty, as their country, of large tracts of land around and along all the shores of Lake Michigan south of a line running between the north of the Milwaukee river in the now State of Wisconsin, and the mouth of the Grand River in the now State of Michigan extending said line East and West of said two points and including all of Lake Michigan which is South of said line.

4. That in and by said treaty of Greenville, the United States relinquished their claims to all Indian lands, other than those enumerated in and by said treaty as ceded to the United States,—as lay northward of the River Ohio, eastward of the Mississippi, and westward and southward of the Great Lakes and the waters uniting them, according to the boundary line agreed on by the United States and the King of Great Britain in the treaty of peace made between them in the year 1783, which said relinquishment included the said lands and the country of the said Pottawatomie Nation, except the portions in and by said treaty excepted, which were thereby ceded to the United States.

5. That this proceeding is brought for the restoration to the complainants of lands so relinquished by the United States and not included in any cession to the United States, either in or by the said treaty of Greenville aforesaid, or in any treaty or cession since then made.

6. That in and by Article V of said treaty it is provided as follows:

"Article V."

"To prevent any misunderstanding about the Indian lands relinquished by the United States in the fourth article, it is now explicitly declared, that the meaning of the relinquishment is this: The Indian tribes who have a right to those lands, are quietly to enjoy them, hunting, planting and dwelling thereon so long as they please, without any molestation from the United States; but when those tribes, or any of them, shall be disposed to sell their lands, or any part of them, they are to be sold only to the United States; and until such sale, the United States will protect all the said Indian tribes in the quiet enjoyment of their lands against all citizens of the United States, and against all other white persons who intrude upon the same. And the said Indian tribes *against* acknowledge themselves to be under the protection of the said United States and no other power whatever."

7. That in and by Article VI of said treaty of Greenville it is provided as follows:

11 "Article VI."

"If any citizen of the United States or any other white person or persons, shall presume to settle upon the lands now relinquished by the United States, such citizen or other person shall be out of the protection of the United States; the Indian tribe, on whose land the settlement shall be made, may drive off the Settler, or punish him in such manner as they shall think fit; and because such settlements made without the consent of the United States, will be injurious to them as well as to the Indians, the United States shall be at liberty to break them up, and remove and punish the settlers as they shall think proper, and so effect that protection of the Indian lands herein stipulated."

8. That in and by Article IX of said Greenville treaty it is provided:

"the United States shall give notice to the said Indian tribes of any harm that may be meditated against them; or either of them, that shall come to their knowledge; and do all in their power to hinder and prevent the same, that the friendship between them may be uninterrupted."

9. It is provided in and by Article III of said treaty of Greenville that:

"whenever the United States shall think proper to survey and mark the boundaries of the lands hereby ceded to them, they shall give timely notice thereof to said tribes of Indians, that they may appoint some of their wise chiefs to attend and see that the lines are run according to the terms of this treaty."

10. That among the cession of land by the Indian Nations parties to said treaty of Greenville, to the United States, was a — described in Article III of said treaty:

"One piece of land six miles square at the mouth of Chicago

river emptying into the southwest end of Lake Michigan where a fort formerly stood;"

but these complainants say that no survey was ever made to mark the boundary of the cession lands described, as provided in and by said treaty.

12 11. That on the 24th day of August, 1816, another treaty was entered into between commissioners plenipotentiary of the United States, on the one part, and the chiefs and warriors of the united tribes of Ottawas, Chippewas and Pottawatomies, residing on the Illinois and Milwaukee rivers and their waters, and on the Southwest parts of Lake Michigan, on the other part, in and by which said treaty the said Chiefs and Warriors for themselves and the tribes they represented, ceded to the United States certain land therein described, the eastern boundary of which is described therein as a line running from a point on Lake Michigan ten miles Northward of the mouth of the Chicago creek, thence along the Lake to a point ten miles southward of the mouth of the said Chicago creek, and in and by which said last named treaty the parties thereto pledged themselves and each other to fulfill with perfect good faith, all the obligations imposed upon them by former treaties.

12. That the term "the United tribes of Ottawas, Chippewa, and Pottawatomies" used in said last named treaty was and is synonymous with the term "Pottawatomie Nation," or "Pottawatomie Tribe," for such united tribes consisted, and do consist, merely of certain members of Ottawas and Chippewas who had been adopted or naturalized with the original Pottawatomie Nation, and did not and does not include any members of the Ottawa or Chippewa tribes which have remained independent of and have not coalesced or became adopted or naturalized with the said Pottamatomie Nation.

13 13. That subsequently, the government of the United States caused a survey to be made of the lands ceded in and by the treaty last named, in and about the year 1819 by one John C. Sullivan, surveyer, which said survey purported to fix the so-called Indian boundary lines, the East boundary of which marked the Eastern limit of the cession so made under and by virtue of the said two treaties hereinabove named, copy of which survey is attached to the original bill of complaint marked Exhibit "B" and made a part hereof.

14. That thereafter, at various times, various cessions were made by said Pottawatomie Nation to the United States by treaty between the United States and said Pottawatomie Indians, purporting to be bounded on the East by the then shores of Lake Michigan to and beyond the boundary line between the States of Wisconsin and Illinois on the North, and to and beyond the boundary line between the States of Illinois and Indiana on the South and Southeast; but that none of such cessions purported to run further east, northeast or North than the then West, Southwest or South shores of Lake Michigan.

15. That neither the said Pottawatomie Nation nor the said

Pokagon Band have at any time ceded to the United States any reclaimed lands or formerly submerged or now submerged lands of Lake Michigan within the geographical limits of the State of Illinois East, Northeast, or North of the lines as fixed in the several surveys made in pursuance of any cessions by said Pottawatomie Nation; and all such lands, whether reclaimed, artificially made, or now or formerly submerged, East, Northeast and North of said lines have remained and still are the property of these com-
14 plainants, and nothing has occurred since the making of the aforenamed treaties which has in any way impaired their right or title in and to the same, and any attempts on the part of any persons, firms, and corporations to appropriate the same, or any part thereof were and are in violation of said treaties and of the rights of these complainants in and to said lands, and entitle these complainants to invoke the power and authority of the United States to hinder and prevent the same, and to break them up and remove and punish the settlers as they, the United States, may think proper and so effect that protection of the Indian lands stipulated in and by said treaty of Greenville.

16. That many firms, persons and corporations, including the defendants herein named, consisting of citizens of the United States and other white persons, have, without the consent of these complainants, or of the Pottawatomie Nations, from time to time seized large tracts of lands, both reclaimed, artificially made and others, East, Northeast, and North and altogether outside of any of said cessions to the United States, and so these complainants say that they are entitled to invoke the protection of the United States in the quiet enjoyment of all such lands against all said defendants and other white persons who have intruded, or threaten to or will intrude upon the same without their consent. That said seizures have been and are in violation of the said treaties; but very few improvements of great value have been made thereon and most of them within recent years; nearly all such improvements of any substantial value have been made since these complainants have openly, notoriously and publicly asserted their claims or right of
15 property and with full and explicit knowledge or notice of such rights in these complainants; and that these complainants have done or suffered nothing as to any part of such lands which justly or properly gives the right to any claim to any of these defendants of title to these lands or any part thereof under any statute of limitations, laches, or estoppal and these complainants at no time expressly or implicitly abandoned said lands or any part thereof.

17. These complainants further represent that they are too weak at the present time to drive off the said defendants and other settlers or to punish them and that, furthermore, they, these complainants, have for many years lived in peace and amity with their white neighbors and have abandoned the arts of warfare as a tribe, nation or band, and have altogether relied upon the protection of the United States as guaranteed and promised them in and by said

treaty of Greenville and other treaties, and by the Constitution and laws of the United States.

18. These complainants further say that they have from time to time made offers to the United States to sell such lands, or parts thereof to the United States, but that hitherto the United States has refused or failed to purchase them, and so these complainants say that they are at liberty to occupy, sell, lease or otherwise dispose of them as their own lands in fee simple, without let or hindrance from the United States or anyone else, but that owing to the acts of the defendants and others above stated, by seizing some of said lands and occupying the same to the exclusion of these complainants, a cloud has been created upon the title of these complainants in and to said lands and their ability to sell or lease or otherwise dispose of the same, or any parts thereof, and receive adequate compensation thereof, has become greatly impaired.

16

19. These complainants further say, that the only sale or cession by them or in their behalf purported to have been made since the making of the above mentioned treaties was one to William H. Cox on the 5th day of April, 1897, by one Simon Pokagon purporting to act on behalf of said Pokagon Band, by a certain quitclaim deed, duly acknowledged and on the 8th day of April, 1897, filed for record in the Office of the Recorder of Deeds of Cook County, Illinois, and recorded as Document 2,520,164 in Book 5964 of Records, at page 472, the validity of which said deed the complainants, in this proceeding neither admit nor deny.

20. These complainants further represent that at the time of the admission of the State of Illinois as one of the United States, the said United States did not have any title in or to any of the lands, submerged or other, East, Northeast or North of the meandering lines hereinabove mentioned, and upon such admission the said State of Illinois acquired none and has at no time since then acquired any, and has been under the Constitution and laws of the United States and under the said treaties made by their authority, without power or authority to convey or dispose of said lands, or any of them, and no firm, person or corporation, municipal or other has ever *been* or has such power to so dispose of the same, or any part thereof, or to occupy or seize the same without the consent of these complainants by any purported authority from the State of Illinois.

17

21. These complainants further represent that on the 28th day of July, 1913, a certain ordinance was passed by the City Council of the City of Chicago, one of the defendants herein named, and approved by the Mayor of said City of Chicago on the 31st day of July, 1913, and published on the 6th day of August, 1913, copy of which said ordinance except exhibits (therein named) is attached to the original bill of complaint herein filed, marked Exhibit "A" and made a part hereof. That the passage of said ordinance was purported to be based upon an act of the State of Illinois represented in General Assembly, approved June 23, 1913, entitled an Act "to enlarge the power of cities and villages in relation to harbors, canals, slips, wharves, docks, levees, piers, quay walls, break-waters and all

harbor structures, facilities, connections, improvements and utilities constructed or operated in connection therewith and for the purpose of carrying out such power to authorize the acquisition and condemnation of property, and to authorize the use, occupation, recovery and acquisition of artificially made or reclaimed lands of the State and the reclamation and acquisition of the submerged lands of the State, and to repeal an Act entitled, 'An Act to enlarge the power of cities in relation to harbors, canals, wharves, docks, piers, slips and other harbor structures, facilities, improvements and utilities constructed or operated in connection therewith, to authorize the acquisition and condemnation of property and the use, occupation, reclamation and acquisition of the submerged lands of the State in carrying out such power, and to repeal all Acts or parts of Acts in conflict therewith,' approved June 10, 1911, and to repeal all other Acts or parts of Acts in conflict therewith"; that the said last named Act so far as it is claimed by the defendant, the City of Chicago to authorize the passage of said ordinance and of the acts done or threatened thereunder by the defendant, the City of Chicago its officers and agents and the Harbor & Subway Commission named in such ordinances, as herein set forth, is wholly null and void to the extent of the encroachments upon or building upon the reclaimed or submerged lands formerly or now covered by the waters of

18 Lake Michigan and such statute and ordinance are in contravention of the Constitution of the United States and of the State of Illinois as depriving or tending to deprive these complainants of their property without due process of law as provided by the Fourteenth Amendment of the Constitution of the United States as in impairment of the obligation of contracts contrary to the first clause of the Tenth Section of Article One of the Constitution of the United States and of their provisions of the Constitution of the United States and of the State of Illinois.

Your orators further represent that on the 10th day of February, 1851, the State of Illinois by its General Assembly passed an Act incorporating the defendant, Illinois Central Railroad Company; that in and by the said Act the defendant Illinois Central Railroad Company was authorized to survey, locate, construct and operate a railroad and it was further in and by said act provided that nothing in the Act should authorize the last named Company to make a location of its road in any City without the consent of its Common Council; that the City of Chicago by its Common Council adopted an ordinance on June 14, 1852 in and by which ordinance the said defendant, Illinois Central Railroad Company was authorized to fill in portions of Lake Michigan which were and are the property of your orators and without the consent of your orators and the defendant, the Illinois Central Railroad Company did seize and fill in portions of said Lake Michigan in pursuance to such purported authority by the Act of the State of Illinois and the ordinances of the City of Chicago last named and has ever since then held and occupied the same without the consent of these complainants or of the Pottawatomie nation;

19 Your orators further represent that the State of Illinois from time to time by its General Assembly enacted various

other statutes under which the several defendants hereto have claimed and still claim the right, power and authority to seize and occupy and to make encroachments and build upon diverse portions of the aforesaid lands *or* your orators, but to the extent that such statutes or any of them would give or purport to give or by the defendants pretended to give any such power, right or authority, the same and each of them is and are wholly void and of no force and effect and contrary to the Constitution of the United States and of the State of Illinois in the respects hereinabove named and in other respects and are in violation of the aforesaid treaties and of the laws of the United States, and that all such acts either done or threatened, should in equity and good conscience be restrained and enjoined by this Honorable Court; that among such acts and statutes are the following:

"An Act to grant the title of certain submerged lands of Lake Michigan to the Commissioners of Lincoln Park and enable them to exercise police power over the water adjacent thereto, approved June 4, 1889."

"An Act to enable Park Commissioners having control of any boulevard or driveway bordering upon any public waters, this State to extend the same, approved June 4, 1889."

"An Act for the enlargement of Lincoln Park and to defray the expenses thereof, approved June 17, 1893."

"An Act to enable park commissioners having control of any park bordering upon public waters of this state to enlarge the same from time to time and granting submerged lands for the purpose of such enlargements and to defray the cost thereof, approved June 15, 1895."

"An Act to provide for the organization of park districts and the transfer of submerged lands to those bordering on navigable bodies of water, approved June 24, 1895."

"An Act to convey and designating certain submerged lands known as the Lake Front for park purposes, approved April 24, 1899."

"An Act to enable park commisssioners having control of a park or parks bordering upon public waters in this state to enlarge and connect the same from time to time by the extensions of other lands and the body of such waters, and defining the use which may be made of such extensions and granting submerged lands for the purposes of such enlargements, approved May 14, 1903.

"An Act conveying certain lands to the South Park Commissioners for the purpose of establishing a public park or pleasure ground thereon, approved May 14, 1903."

"An Act conveying certain lands to the South Park Commissioners for the purpose of establishing public parks and pleasure ground thereon, approved May 14, 1903.

"An Act authorizing park commissioners to acquire and improve submerged and shore lands for park purposes providing for the payment therefor and granting unto such commissioners certain rights and powers to riparian owners certain rights and titles, approved May 2, 1907."

22. These complainants further say that the artificially made or reclaimed or submerged lands embraced or intended to be embraced

within the boundaries of Harbor District No. 1 in said ordinance described, is all of it east, Northeast, North and outside of all cessions of land by the said Pottawatomies made under any treaty with the United States, is and are all the lands and property of these complainants, excepting such portion thereof as was purported to have been conveyed to the said William H. Cox in and by the deed
21 hereinabove described, and no part of it is or was at the time of the purported passage of said ordinance the property or lands of the State of Illinois, and that by reason thereof said ordinance is wholly null and void, without authority of law, and in contravention *and* the rights of these complainants under the provision of the said treaty of Greenville and of other treaties and should be so declared by this Honorable Court, and would furthermore constitute a seizure or taking of the property of these complainants without due process of law, in violation of the 14th amendment of the Constitution of the United States and is in impairment of the obligation of contracts contrary to the first clause of the tenth clause of Article 1 of the Constitution of the United States.

23. These complainants further say that none of the lands above described, East, Northeast and North of the said several cessions to the United States, has ever been subjected or brought within the jurisdiction of the State of Illinois or within the jurisdiction of the corporate authorities of the City of Chicago, was ever included in the public domain of the United States, or ever made subject to taxation by the State of Illinois or any subdivision or municipality thereof.

24. These complainants further represent that until the year 1833 the Pokagon Band of Pottawatomie Indians were a component part of the larger body or nation of Pottawatomie Indians named in the said treaty of Greenville and in subsequent treaties with the Government of the United States; that in the last named year the said Pottawatomie Nation became divided and that portion thereof not belonging to the said Pokagon Band migrated to a new coun-
22 try or territory West of the Mississippi River under and in pursuance of a treaty with the government of the United States leaving the said Pokagon Band in possession, occupancy and control and in sovereignty of whatever territory then remained unceded by the said Pottawatomie nation to the United States of the original land or country of the said Pottawatomie nation, and title in and to and control and sovereignty — the same has remained in the said Pokagon Band to the present time except and unless as affected by the aforesaid deed to William H. Cox.

25. That the several defendants hereinafter named above from time to time under the purported authority of the State of Illinois and under color of laws and statutes thereof, but without any authority at all and without consent or authority on the part of the Pottawatomie Nation of Indians, or anyone claiming by through or under them, filled in large portions of said Lake Michigan and have settled or threaten to settle upon portions of the same, and have seized and occupied and still continue to occupy them or threaten to seize or

occupy portions of them, and the said defendants have severally announced their intentions to fill in and reclaim large additional portions of the submerged lands of Lake Michigan within the geographical boundaries of the said State of Illinois, without the consent or permission of these complainants, or of said Pottawatomie Nation.

26. These complainants further represent that many other firms, persons and corporations have seized lands, the property of these complainants, other than those hereinabove mentioned, and also threaten to make further seizures in violation of the treaty rights of these complainants, as aforesaid.

Forasmuch, therefore, as your orators are without remedy in the premises except in a court of equity, and to the end that the said City of Chicago, Illinois Central Railroad Company, South Park Commissioners, Lincoln Park Commissioners, Illinois Steel Company, Michigan Central Railroad Company, Cleveland, Cincinnati, Chicago and St. Louis Railway Company, and Minneapolis, St. Paul and Sault Ste. Marie Railway Company, who are made defendants hereto, and each of them, may be required to make, full, true and perfect answer to this Bill of Complaint (but not under oath) their answer under oath being hereby expressly waived) and that said City of Chicago, said Illinois Central Railroad Company, said South Park Commissioners, said Lincoln Park Commissioners, said Illinois Steel Company, said Michigan Central Railroad Company, said Cleveland, Cincinnati, Chicago and St. Louis Railway Company, and said Minneapolis, St. Paul and Sault Ste. Marie Railway Company, and each of them and their several officers, agents, servants and attorneys may be restrained and enjoined from making any further seizures of any of the lands of the complainants, as aforesaid, east, Northeast, or North of the boundary line of said cessions, and more particularly of such boundary line as established by the survey of the said John C. Sullivan, during the pendency of this suit and until the rights of the complainants in the premises can be fully adjudged and established by this Honorable Court; that more particularly the City of Chicago be so restrained and enjoined from constructing, maintaining or operating over and upon any part of the submerged lands of Lake Michigan within the limits of Harbor District Number 1 as described in the Ordinance copy of which is attached to the Complainants' Bill of Complaint, a passenger pier or freight pier or any other harbors, canals, slips, wharves, docks, levees, piers, quay walls, breakwaters or other harbor structures, facilities, connections or improvements or in connection therewith elevators, walls or warehouses, until the further order of this Court; that upon a hearing the said defendants and each of them, and each of their officers, agents, attorneys and servants may be perpetually enjoined and restrained from seizing, occupying or building any structures upon any part of the lands of these complainants above described, whether reclaimed or submerged, and from filling in or reclaiming any such submerged lands lying East, Northeast or North of the boundary lines of

cessions, to the United States heretofore made, without the consent, permission or authority of these complainants, and to be compelled to wholly remove therefrom and from every part thereof, and that they, and each of them be perpetually enjoined and barred from setting up or asserting any claims, title or interest in or to such lands, or any part of them; that the said several statutes of the State of Illinois and the ordinances named in said Bill of Complaint passed by the City Council of the City of Chicago on the 28th day of July, 1913, purporting to direct and authorize the building of Harbor District Number 1, a copy of which
25 said Ordinance is attached to the Complainants' original Bill of Complaint, may be declared to be in contravention and in violation of the rights of these Complainants under and by virtue of the treaty of Greenville entered into on the 3rd day of August, 1795, between the United States and the Pottawatomie Nation of Indians and referred to in this Bill of Complaint to the extent that the same purports to or are claimed to give to any of the defendants any right or title to, or to authorize the erection of any structures upon the submerged lands of Lake Michigan or the reclaiming or filling in of any part of such Lake Michigan and that said laws, statutes and ordinance to such extent may be declared to be wholly null, void and of no legal force or effect and that said defendants, their several officers, agents, employes and attorneys be perpetually enjoined from carrying out the provisions thereof to such extent; that they, the said several defendants, and each of them, may be required to account and pay to these complainants a reasonable compensation for the use and occupancy of the said lands for the periods during which such several occupancies have heretofore been had; that the title of these complainants in and to such several lands may be quieted, established and confirmed in accordance with the provisions of said treaty, and that these complainants may have such other and further remedy in the premises as to this Honorable Court may seem meet and as equity may require.

These complainants further pray that they may have leave from time to time hereafter to name additional parties defendant who may have seized or occupied, or may threaten to occupy or seize any portion of the aforesaid land.

26 May it please your Honors to grant unto the complainants not only a restraining order and a writ of injunction pendente lite and perpetual, but also a writ of subpœna of the United States of America, directed to the said City of Chicago, Illinois Central Railroad Company, South Park Commissioners, Lincoln Park Commissioners, Illinois Steel Company, Michigan Central Railroad Company, Cleveland, Cincinnati, Chicago and St. Louis Railway Company and Minneapolis, St. Paul and Sault Ste. Marie Railway Company, commanding them, and each of them, to appear and answer unto this bill of complaint and to abide and perform such order and decree in the premises as to the

Court shall seem meet and be required by the principles of equity and good conscience.

JOHN WILLIAMS, *Chief;*
MICHAEL WILLIAMS,
Secretary;
THOMAS TOPASH,
Chairman Business Committee;
ISAAC AUGUSTA,
FRANK SAWALK,
ARTHUR A. LEXIS,
LEWIS BALZIEL, AND
STEPHEN TOPASH,
Members of the Business Committee of the Pokagon Band of the Pottawatomie Nation of Indians.
By W. W. DE ARMOND AND
J. G. GROSSBERG,
Their Solicitors.

W. W. DEARMOND AND J. G. GROSSBERG,
Solicitors for Complainants.

27 STATE OF MICHIGAN,
County of Cass, ss:

Michael Williams, being first duly sworn, on oath says that he is the duly authorized agent of the complainants named in the within bill of complaint; that he has read the same and knows the contents thereof, and that the same is true to the best of his knowledge, information and belief.

(Signed) MICHAEL WILLIAMS.

Subscribed and sworn to before me this 6th day of April, A. D. 1914; and I hereby certify that under the laws of the State of Michigan I am duly authorized to administer oaths.

[SEAL.] (Signed) EDWARD S. McMASTER,
Notary Public.

My commission expires June 9, 1917.

J. C. M.

(Endorsed:) Filed April 7, 1914. T. C. MacMillan, Clerk.

28 EXHIBIT "A."

Be it ordained by the city council of the City of Chicago:

Section 1. That the city of Chicago hereby elects and determines to exercise the right, power and authority granted by an Act of the General Assembly of the State of Illinois, approved June 23, 1913, in force July 1, 1913, entitled "An Act to enlarge the power of cities

and villages in relation to harbors, canals, slips, wharves, docks, levees, piers, quay walls, breakwaters and all harbor structures, facilities, connections, improvements and utilities constructed or operated in connection therewith and for the purpose of carrying out such power to authorize the acquisition and condemnation of property and to authorize the use, occupation, recovery and acquisition of artificially made or reclaimed lands of the State and the reclamation and acquisition of the submerged lands of the State, and to repeal an Act entitled, 'An Act to enlarge the power of cities in relation to harbors, canals, wharves, docks, piers, slips and other harbor structures, facilities, improvements and utilities constructed or operated in connection therewith, to authorize the acquisition and condemnation of property and the use, occupation, reclamation and acquisition of the submerged lands of the State in carrying out such power, and to repeal all Acts or parts of Acts in conflict therewith,' approved June 10, 1911, and to repeal all other Acts or parts of Acts in conflict therewith."

Section 2. The city of Chicago for the purpose of carrying out the powers granted by the said Act of the General Assembly hereby defines and particularly describes the public waters, the submerged lands, the artificially made or reclaimed lands and other lands which shall constitute and shall be known as Harbor District Number 1, as follows:

Harbor District Number 1 shall include all of the Chicago river, including the main stream from its mouth to the forks, and the north branch and the south branch to the city limits, including all the public waters and submerged lands within and under said river and its branches aforesaid, and said Harbor District Number 1 shall also include all the territory, public waters, submerged lands, artificially made or reclaimed lands and other lands lying and being within the following boundaries, to-wit: Beginning at the south side of the Chicago river at the northeast corner of the old breakwater of the old United States Government life saving station, said point being the point of confluence of the Chicago river with Lake Michigan, thence extending in an easterly direction parallel to the north line of Randolph street extended, over the waters of Lake Michigan a distance of one (1) mile; thence extending in a northerly direction along a line running at right angles to said north line of Randolph street extended east to a point where said line intersects the north line of Chicago avenue extended east; thence extending in a westerly direction along the north line of said Chicago avenue extended east to the present shore line of Lake Michigan; thence running southeasterly and southerly following said shore line of Lake Michigan to the north line of Indiana street extended east to
29 the shore line of said Lake Michigan; thence west along the north line of Indiana street extended east to the east line of Peshtigo court as laid down and indicated on a plat of the Chicago Dock and Canal Company's Peshtigo Dock Addition in section ten (10), township thirty-nine (39) north, range fourteen (14) east of the third (3rd) principal meridian in Cook County, Illinois recorded September 17, 1889, in the Recorder's office of Cook

County, Illinois, as Document Number 1157023 in Book 39 of Plats, page 18; thence south along the east line of Peshtigo court seventy-four (74) feet, more or less, to the south line of Indiana street; thence east along the east line of Indiana street extended east nine hundred (900) feet, more or less, to the west line of the east one hundred (100) feet of lot seven (7) in the Chicago Dock and Canal Company's Peshtigo Dock Addition; thence south along the west line of the east one hundred (100) feet of said lot seven (7) two hundred and eighteen (218) feet, more or less, to the north line of Illinois street, extended east; thence west along the north line of Illinois street extended east nine hundred (900) feet, more or less, to the east line of Peshtigo court; thence south along the east line of Peshtigo court seventy-four (74) feet, more or less, to the south line of Illinois street; thence east along the south line of Indiana street extended east nine hundred (900) feet, more or less, to the west line of the east one hundred (100) feet of said lot seven (7); thence south along the west line of the east one hundred (100) feet of said lot seven (7) one hundred and fifty-eight (158) feet, more or less, to the north line of the Michigan slip; thence east along the north line of the Michigan slip to the wooden pier or breakwater at the southeast corner of said lot seven (7); thence in a southerly direction along the west line of said wooden pier or breakwater to the southeast corner of what is known as the United States Government North Pier; thence in a southwesterly direction nine hundred seventy-four (974) feet more or less, on a straight line to the northeast corner of the old breakwater of the old United States Government Life saving station, said last point being the place of beginning, a plat of which aforesaid public waters, submerged lands, artificially made or reclaimed lands, and other lands is hereto attached, marked "Exhibit A" and made a part hereof. All of the aforesaid submerged lands, artificially made or reclaimed lands and other lands and public waters are situated within the jurisdiction and corporate limits of the city of Chicago and are by this ordinance declared to be necessary and appropriate for the purposes in said Act enumerated.

Section 3. The city of Chicago hereby elects and determines to use, occupy or reclaim all such submerged lands, under the public waters of the State within the limits or jurisdiction of, or bordering on the city of Chicago, within said Harbor District Number 1 for the purposes in said Act enumerated, and all of the said submerged lands under the public waters of the State within said Harbor District Number 1 are declared by this ordinance to be necessary and appropriate for the purposes in said Act enumerated and by this ordinance authorized.

Section 4. The city of Chicago hereby elects and determines to take possession of, use and occupy for the purposes enumerated in said Act the artificially made or reclaimed lands (which before the artificial making or reclamation thereof constituted a portion of the submerged lands under the public waters of the State of Illinois), the title to which artificially made or reclaimed

lands is in the State of Illinois, and which are in said Harbor District Number 1 described as follows, to-wit:

Commencing at a point in the north line of Indiana street extending east nine hundred (900) feet east of the east line of said Peshtigo court, thence south five hundred fourteen (514) feet, more or less to the north line of Michigan slip; thence east one hundred (100) feet, more or less, to the east line of said lot seven (7) of the Chicago Dock and Canal Company's Peshtigo Dock Addition; thence north five hundred fourteen (514) feet, more or less, to the north line of Indiana street extended east; thence west one hundred (100) feet, more or less, to the place of beginning; also the wooden pier or breakwater extending in a southerly direction from the southeast corner of the above described tract of land and connecting same with what is known as the United States Government North Pier; and it is declared by this ordinance that the aforesaid artificially made or reclaimed lands, in this section particularly described, are necessary and appropriate for the purposes in the said Act enumerated; and the Corporation Counsel of the city of Chicago is hereby directed to bring and maintain all necessary suits, actions and proceedings, in the corporate name of the city of Chicago, against any person or corporation, private, public or municipal, for the recovery of the possession of the said artificially made or reclaimed lands for the uses and purposes enumerated in said Act and authorized by this ordinance, which lands when so acquired, shall be held, used and occupied by the city of Chicago subject to the conditions in said Act provided.

Section 5. The city of Chicago hereby elects and determines to take possession of, use and occupy for the purposes in said Act enumerated the artificially made or reclaimed lands (which before the artificial making or reclamation thereof constituted a portion of the submerged lands under the public waters of the State of Illinois) the title to which artificially made or reclaimed lands is in the State of Illinois and which are within said Harbor District Number 1 described as follows, to-wit:

Commencing on the north line of Indiana street at the intersection of the east line of Peshtigo court thence east nine hundred (900) feet, more or less, to the west line of the east one hundred (100) feet of lot seven (7) of the said Chicago Dock and Canal Company's Peshtigo Addition; thence south along the west line of the east one hundred (100) feet said lot seven (7) seventy-four (74) feet more or less to the south line of Indiana street extended east nine hundred (900) feet, more or less, to the east line of Peshtigo court; thence north along the east line of Peshtigo court seventy-four (74) feet, more or less, to the place of beginning; also
31 commencing in the north line of Illinois street at the intersection of the east line of Peshtigo court; thence east along the north line of Illinois street extended east nine hundred (900) feet, more or less, to the west line of the east one hundred (100) feet of said lot seven (7); thence south along the west line of the east one hundred (100) feet of said lot seven (7) seventy-four (74) feet, more or less, to the south line of Illinois street extended east;

thence west along the south line of Illinois street extended east nine hundred (900) feet, more or less, to the east line of Peshtigo court; thence north along the east line of Peshtigo court seventy-four (74) feet, more or less, to the place of beginning; and it is declared by this ordinance that the aforesaid artificially made or reclaimed lands in this section particularly described are necessary and appropriate as and for approaches to or connections with the harbor, harbor utilities and appurtenances authorized by the said Act and by this ordinance; and the Corporation Counsel of the city of Chicago is hereby directed to bring and maintain all necessary suits, actions and proceedings in the corporate name of the city of Chicago against any person or corporation, private, public or municipal, for the recovery of the possession of such artificially made or reclaimed lands, which lands, when so acquired, shall be held, used and occupied by the city of Chicago subject to the conditions in said Act provided.

Section 6. That it is advantageous and desirable for the city of Chicago to acquire for the purposes in said Act enumerated, the east one hundred (100) feet of lot seven (7) of the Chicago Dock and Canal Company's Peshtigo Dock Addition in section ten (10) town thirty-nine (39) north, range fourteen (14) east of the third (3rd) principal meridian in Cook County, Illinois, as per plat recorded September 17, 1889, in the Recorder's office of Cook County, Illinois, as Document Number 1157023 in Book 39 of Plats, page 18; the north seventy-four (74) feet of the west nine hundred (900) feet of said lot seven (7), said tract extending from the west line of the east one hundred (100) feet of said lot seven (7) to the east line of Peshtigo court; the south seventy-four (74) feet of the north three hundred and sixty-six (366) feet of the west nine hundred (900) feet of said lot seven (7), said tract extending from the west line of the east one hundred (100) feet of said lot seven (7) to the east line of Peshtigo court, together with all accretions and additions on the water side of said described tracts of land; and the wooden pier or breakwater extending from the southeast corner of said lot seven (7); and all riparian rights appurtenant to said described lands and pier or breakwater.

That the city of Chicago hereby accepts the offer of the Chicago Dock and Canal Company, to sell and convey by general warranty deed to the city of Chicago the above described east one hundred (100) feet of lot seven (7) of the Chicago Dock and Canal Company's Peshtigo Dock Addition in section ten (10) town thirty-nine (39) north, range fourteen (14) east of the third principal meridian in Cook County, Illinois, as per plat recorded September 17, 1889, in the Recorder's office of Cook County, Illinois, as Document Number 1157023 in Book 39 of Plats, page 18;

32 That the city of Chicago accepts the offer of the Chicago Dock and Canal Company to convey by special warranty deed the north seventy-four (74) feet of the west nine hundred (900) feet of said lot seven (7), said tract extending from the west line of the east one hundred (100) feet of said lot seven (7) to the east line of Peshtigo court to be dedicated by said Chicago Dock and Canal

Company as a public street; the south seventy-four (74) feet of the north three hundred and sixty-six (366) feet of the West nine hundred (900) feet, said tract extending from the west line of the east one hundred (100) feet of said lot seven (7) to the east line of Peshtigo court to be dedicated by the said Chicago Dock and Canal Company as a public street, together with all accretions and additions, if any, on the north and east sides of said described tract of land; and the wooden pier or breakwater extending from the southeast corner of said lot seven (7); and all riparian rights of said Chicago Dock and Canal Company appurtenant to said described lands, proposed street or streets or on the east side of said pier or breakwater; subject to the taxes for the year 1913 which are to be assumed and paid by the city of Chicago, further subject to the Chicago Dock and Canal Company's free and unobstructed rights of ingress and egress to the Michigan slip as now existing, further subject to the easement, if any, of the Chicago Railways Company in the north seventy-four (74) feet of said lot seven (7), further subject to the easement, if any, of the Chicago and Northwestern Railway Company to occupy with its tracks the portion of the south seventy-four (74) feet of the north three hundred and sixty-six (366) feet of the west nine hundred (900) feet of said lot seven (7) now occupied by said tracks with the right to extend said tracks to the west line of the east one hundred (100) feet of said lot seven (7) but not occupying a greater width of said strip of land than is now occupied by the tracks of said Company, and further subject to the obligation of the Chicago Dock and Canal Company under an agreement and bond with the United States Government to maintain the said breakwater connecting said lot seven (7) with the United States Government pier, which obligation the city of Chicago agrees to assume, for the sum of three hundred thousand dollars ($300,000.00);

That in accordance with the offer of the Chicago Dock and Canal Company, the city of Chicago shall issue and deliver in payment for the said lands, accretions, additions, breakwater and rights appurtenant thereto, the harbor construction bonds of the city of Chicago issued under authority of an ordinance passed February 19, 1912, at par in the amount of three hundred thousand dollars ($300,000.00);

That the City Comptroller is hereby authorized and directed to carry out and complete the purchase of said lands, accretions, additions, breakwater and rights appurtenant thereto upon the terms above set forth and to issue and deliver in payment therefor said harbor construction bonds of the city of Chicago to the amount of three hundred thousand dollars ($300,000.00) par value.

33 Section 7. That the city of Chicago proceed forthwith to acquire, own, construct, maintain and operate in, over and upon the aforesaid submerged lands, artificially made or reclaimed lands, or other lands, granted by said Act, or which may be acquired under the provisions of said Act, within said Harbor District Number 1, a passenger pier and a freight pier in accordance with plans hereunto attached, marked "Exhibit B" and made a part hereof, and all other necessary harbors, canals, slips, wharves, docks, levees, piers,

quay walls, breakwaters, and all appropriate harbor structures, facilities, connections and improvements, and in connection therewith such elevators, vaults and warehouses (including cold storage warehouses), as may be necessary adjuncts or incidental to transportation or railroad terminals, and all other necessary or appropriate terminal facilities.

Section 8. It shall be the duty of the Harbor and Subway Commission of the city of Chicago, subject to the provisions hereof, to take special charge and superintendence of all work to be done under the provisions of this ordinance. Said Harbor and Supway Commission shall award and execute all contracts for work, material or supplies of any kind or nature in connection with the work provided for in this ordinance. All contracts for any of such work, material or supplies where the amount of such contract exceeds five hundred dollars shall be let to the lowest reliable and responsible bidder after advertising the same. Advertisement shall be made and bids submitted and received by said Harbor and Subway Commission in the same manner as is provided for the letting of contracts in and by the provisions of The Chicago Code of 1911 concerning the letting of contracts by the department of public works. Bonds to be approved by said Harbor and Subway Commission shall be taken for the faithful performance of all such contracts. All contracts and bonds so taken shall be in the name of and run to the city of Chicago, and every contract for a sum greater than five hundred dollars shall have the approval in writing of the mayor endorsed thereon and shall be countersigned by the city comptroller. No contract shall be binding upon the city of Chicago, nor shall any work contracted for be commenced or any material or supplies delivered thereunder, until such contract has been duly executed and where such contract exceeds in amount the sum of five hundred dollars, until such contract has been approved and countersigned as aforesaid. All of the provisions of Article X of Chapter LVIII of The Chicago Code of 1911 shall apply to work done and material and supplies furnished under the provisions of this ordinance and to all contracts for such work, material and supplies, except that in all cases the powers conferred and duties imposed by said Article X upon the commissioner of public works shall in respect to said work, materials and supplies be exercised and performed by said Harbor and Subway Commission.

34 Section 9. No portion of any harbor, canal, slip, wharf, levee, dock, pier or other harbor utility or improvement (except breakwater) enumerated in said Act or by this ordinance shall be constructed within one-half (½) mile of any intake of water for public consumption, and in constructing such improvements no ashes, cinders or waste shall be dumped into said public waters within four (4) miles of any intake of water for public consumption unless placed behind retaining bulkheads.

Section 10. The city comptroller of the city of Chicago is hereby directed to and shall keep separate and distinct books of account, which shall show in true and complete form all expenditures made by the city of Chicago for and in connection with the acquisition,

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ownership, construction and maintenance of the piers and other harbor structures and utilities authorized by this ordinance to be constructed, up to the date of the completion of said piers, harbor structures and utilities; and the said city comptroller of the city of Chicago is hereby directed to and shall keep books of account for such piers, harbor structures and utilities separate and distinct from the other accounts of the city of Chicago and in such manner as to show the true and complete financial standing and results of ownership and operation by the city of Chicago and of the ownership and leasing by said city. Such accounts shall be so kept as to show the actual cost to the city of Chicago of such utilities owned; all cost of maintenance, extension and improvement; all operation expenses of every description, in case of such city's operation, whether of a whole or of a part of such utilities; if water or other service shall be furnished for the use of such utilities without charge, the accounts shall show, as nearly as possible, the value of such service and also the value of service, if any, rendered by such utilities to any other city department without charge; such accounts shall also show reasonable allowances for interest, depreciation and insurance, and also estimates of the amount of taxes that would be chargeable against such utilities if owned by a private corporation.

Section 11. During the period from and after the date upon which this ordinance becomes effective to the date of completion of the two aforesaid piers and other necessary harbor structures and utilities the said Harbor and Subway Commission of the city of Chicago shall as soon as practicable after the first day of each calendar month prepare and submit to the city council a report showing the work done during the preceding month and such other information as said Harbor and Subway Commission may deem proper or as may from time to time be required by the city council.

Section 12. That in so far as the provisions of any ordinance heretofore passed are in conflict with, inconsistent with, or repugnant to, any of the provisions of this ordinance, the provisions of this ordinance shall prevail.

Section 13. This ordinance shall take effect and be in force from and after its passage, approval and publication.

(Here follows map marked page 35.)

35½ & 36 (Endorsed:) Filed Nov. 11, 1913. T. C. MacMillan, Clerk.

* * * * * * *

37 And on to-wit: the first day of December, 1913, came the Commissioners of Lincoln Park by their solicitor and filed in the clerk's office of said court their certain Motion to dismiss the bill of complaint. Said motion is in words and figures following to-wit:

Motion by the Commissioners of Lincoln Park.

District Court of the United States, Northern District of Illinois, Eastern Division.

No. 133. In Equity.

JOHN WILLIAMS et al., Members of Business Committee of the Pokagon Band of the Pottawatomie Nation of Indians,

vs.

CITY OF CHICAGO, THE COMMISSIONERS OF LINCOLN PARK, et al.

Motion by the Commissioners of Lincoln Park, Defendants in the Above Cause.

Now come The Commissioners of Lincoln Park, by Francis O'Shaughnessy, their solicitor, and move the court to dismiss the said bill as to these defendants, because, as appears from the face of the said bill, proper parties complainant are not joined and facts sufficient to constitute a valid cause of action in equity against
38 them, these defendants, are not stated and for the following points appearing from the face of the bill.

First. The parties complainant are individuals described as members of a Business Committee of the Pokagon Band of the Pottawatomie Nation of Indians, and bring their said action in behalf of themselves and of the members of said Band, and of all others, if any, who are entitled to join therein with them, but in said bill it is in substance averred that the claim made is for and on behalf of the said Pokagon Band of Pottawatomie Indians, while it appears from the said bill and the alleged Treaties that the said Treaty of August 3, 1795, was between the United States of America and the tribes of Indians called the Wyandots, Delawares, Shawnees, Ottowas, Chippewas, Putawatimes, Miamis, Eelriver, Weea's, Kickapoos, Painkashaws and Kaskaskias; and that the said Treaty of August 24, 1816, was between the Commissioners of the United States, on the one part, and the chiefs and warriors of the united tribes of Ottawas, Chippewas and Pottawatomies, residing on the Illinois and Milwaukee rivers and their waters, and on the southwest parts of Lake Michigan, and not with the said complainants, or with the said Pokagon Band; and no sufficient fact is averred showing right in the complainants or the said Pokagon Band to

enforce the said Treaties, or any right for claim arising thereunder.

39 Second. It does not appear from the said bill that the right or title asserted by the complainants has been established at law but that the complainants are demanding relief in equity upon an alleged claim not heretofore by law established.

Third. It appears from the said bill that the defendants are in possession of lands claimed by the complainants and that as an appurtenance thereto are doing the acts sought to be enjoined, and that there is an adequate and sufficient remedy at law for the said complainants.

Fourth. It appears from the said bill that the defendants are in possession of the lands and premises for which title and claim is alleged, and that a complete and adequate remedy at law, if any, exists.

Fifth. It does not appear from the said bill that this court has jurisdiction of said cause, in that it is not shown by the facts averred that the case is one arising under the Constitution and Laws of the United States, or that it is between citizens of different States, and no other sufficient jurisdictional facts are averred.

40 Sixth. The facts in the said bill averred are indefinite and uncertain, in that it is not averred what part of the said lands described are upland and what part are submerged lands lying under the waters of Lake Michigan, or what part of the lands or premises are possessed by the respective defendants, but in all such respects the said bill is uncertain and indefinite.

Seventh. It does not appear from the said bill that the said lands therein described are not part of the fourteenth tract of land in Article III of said Treaty of 1796 ceded to the United States and in substance described as one piece of land six miles square at the mouth of the Chicago River emptying into the southwest end of Lake Michigan, where a fort formerly stood.

Eighth. The said Treaties, in so far as they vested in the complainants or the said Pokagon Band of Indians any of the said lands, were, long prior to the filing of said bill, supplanted by other Treaties with the said tribes, whereby all the rights, if any, acquired by the said complainants or the said tribes under said Treaties, were re-ceded to the United States.

Ninth. It appears from the facts averred in the said bill that the said title or claim of the complainants is founded upon certain Treaties between the United States and the Pottawatomie tribe or nation of Indians and other tribes, and there is no fact or circumstance alleged excepting or reserving the said lands and

41 premises from the cessions made in the subsequent Treaties between the said tribes and the United States.

Tenth. It does not appear from the said bill that the said complainants have acquired, or could acquire, the said alleged title to the said lands.

Eleventh. It does not appear from the alleged facts set forth in said bill that the complainants, or either of them, have title to said premises, or any part thereof, either in law or in equity.

Twelfth. From the facts averred there is no equity in said bill. Wherefore, the said defendants move as aforesaid.

THE COMMISSIONERS OF LINCOLN PARK,
By FRANCIS O'SHAUGHNESSY, *Their Solicitor.*

FRANCIS O'SHAUGHNESSY,
Solicitor for Commissioners of Lincoln Park.

(Endorsed:) Filed Dec. 1, 1913. T. C. MacMillan, Clerk.

42 And on to-wit: the second day of December, 1913, came the Minneapolis, St. Paul and Sault Ste. Marie Railway Co., by its solicitor and filed in the clerk's office of said court its certain motion to dismiss the bill. Said motion is in words and figures following to-wit:

Motion to Dismiss.

District Court of the United States, Northern District of Illinois, Eastern Division.

In Equity.

JOHN WILLIAMS et al., Members of Business Committee of the Pokagon Band of the Pottawatomie Nation of Indians,
vs.
CITY OF CHICAGO, MINNEAPOLIS, ST. PAUL AND SAULT STE. MARIE RAILWAY CO., et al.

Motion by the Minneapolis, St. Paul and Sault Ste. Marie Railway Co., One of said Defendants.

Now comes the Minneapolis, St. Paul and Sault Ste. Marie Railway Co., by Daniel Byrnes, its solicitor, and moves the court to dismiss the said bill as to this defendant, because, as appears from the face of the said bill, proper parties complainant are not joined and facts sufficient to constitute a valid cause of action in equity against it, this defendant, are not stated, and for the following points appearing from the face of the bill.

43 First. The parties complainant are individuals described as members of a Business Committee of the Pokagon Band of the Pottawatomie Nation of Indians, and bring their said action in behalf of themselves and of the members of said Band, and of all others, if any, who are entitled to join therein with them, but in said bill it is in substance averred that the claim made is for and on behalf of the said Pokagon Band of Pottawatomie Indians, while it appears from the said bill and the alleged Treaties that the said Treaty of August 3, 1795, was between the United States of America and the tribes of Indians called the Wyandots, Delawares, Shawnees, Ottawas, Chippewas, Putawatimes, Miamis, Eelriver, Wasa's, Wickapacs, Painkashaws and Kaskaskias; and that the said Treaty of August 24, 1816, was between the Commissioners of the United

States, on the one part, and the chiefs and warriors of the united tribes of Ottawas, Chippewas and Pottawatomies, residing on the Illinois and Milwaukee rivers and their waters, and on the southwest parts of Lake Michigan, and not with the said complainants, or with the said Pokagon Band; and no sufficient fact is averred showing right in the complainants or the said Pokagon Band to enforce the said Treaties, or any right for claim arising thereunder.

44 Second. It does not appear from the said bill that the right or title asserted by the complainants has been established at law but that the complainants are demanding relief in equity upon an alleged claim not heretofore by law established.

Third. It appears from the said bill that the defendants are in possession of lands claimed by the complainants and that as an appurtenance thereto are doing the acts sought to be enjoined, and that there is an adequate and sufficient remedy at law for the said complainants.

Fourth. It appears from the said bill that the defendants are in possession of the lands and premises for which title and claim is alleged, and that a complete and adequate remedy at law, if any, exists.

Fifth. It does not appear from the said bill that this court has jurisdiction of said cause, in that it is not shown by the facts averred that the case is one arising under the Constitution and Laws of the United States, or that it is between citizens of different States, and no other sufficient jurisdictional facts are averred.

45 Sixth. The facts in the said bill averred are indefinite and uncertain, in that it is not averred what parts of the said lands described are upland and what part are submerged lands lying under the waters of Lake Michigan, or what part of the lands or premises are possessed by the respective defendants, but in all such respects the said bill is indefinite and uncertain.

Seventh. It does not appear from the said bill that the said lands therein described are not part of the fourteenth tract of land in Article III of said Treaty of 1795 ceded to the United States and in substance described as one piece of land six miles square at the mouth of the Chicago River emptying into the southwest end of Lake Michigan, where a fort formerly stood.

Eighth. The said Treaties, in so far as they vested in the complainants or the said Pokagon Band of Indians any of the said lands, were, long prior to the filing of said bill, supplanted by other Treaties with the said tribes, whereby all the rights, if any, acquired by the said complainants or the said tribes under the said Treaties, were re-ceded to the United States.

Ninth. It appears from the fact averred in the said bill that the said title or claim of the complainants is founded upon certain Treaties between the United States and the Pottawatomie tribe or nation of Indians and other tribes, and there is no fact or circumstance alleged excepting or reserving the said lands and premises

46 from the cessions made in the subsequent Treaties between the said tribes and the United States.

Tenth. It does not appear from the said bill that the said com-

plainants have acquired, or could acquire, the said alleged title to the said lands.

Eleventh. It does not appear from the alleged facts set forth in said bill that the complainants, or either of them, have title to said premises, or any part thereof, either in law or in equity.

Twelfth. From the facts averred there is no equity in said bill.

Wherefore, the said defendant moves as aforesaid.

DANIEL BYRNES,
Its Solicitor.

(Endorsed:) Filed Dec. 2, 1913. T. C. MacMillan, Clerk.

47 And on to-wit: the second day of December, 1913, came the Michigan Central Railroad Company by its solicitor and filed in the clerk's office of said court its certain motion to dismiss bill in words and figures following to-wit:

Motion by the Michigan Central Railroad Company, One of said Defendants.

District Court of the United States, Northern District of Illinois, Eastern Division.

133. In Equity.

JOHN WILLIAMS et al., Members of Business Committee of the Pokagon Band of the Pottawatomie Nation of Indians,
vs.
CITY OF CHICAGO, ILLINOIS CENTRAL RAILROAD COMPANY, et al.

Motion by the Michigan Central Railroad Company, One of Said Defendants.

Now comes the Michigan Central Railroad Company, by Winston, Payne, Strawn and Shaw, its solicitors, and moves the court to dismiss the said bill as to this defendant, because, as appears from the face of the said bill, proper parties complainant are not joined and facts sufficient to constitute a valid cause of action in equity against it, this defendant, are not stated, and for the following points appearing from the face of the bill:

48 First. The parties complainant are individuals described as members of a Business Committee of the Pokagon Band of the Pottawatomie Nation of Indians, and bring their said action in behalf of themselves and of the members of said band, and of all others, if any, who are entitled to join therein with them, but in said bill it is in substance averred that the claim made is for and on behalf of the said Pokagon Band of Pottawatomie Indians, while it appears from the said bill and the alleged Treaties that the said Treaty of August 3, 1795 was between the United States of America and the tribes of Indians called the Wyandots, Delaware,

Shawnees, Ottawas, Chippewas, Putawatimes, Miamis, Eelriver, Wesa's Kickapoos, Painkashaws and Kaskaskias; and that the said Treaty of August 24, 1816, was between the Commissioners of the United States, on the one part, and the chiefs and warriors of the the united tribes of Ottawas, Chippewas and Pottawatomies, residing on the Illinois and Milwaukee rivers and their waters, and on the southwest parts of Lake Michigan, and not with the said complainants, or with the said Pokagon Band; and no sufficient fact is averred showing right in the complainants or the said Pokagon Band to enforce the said Treaties, or any right for claim arising thereunder.

Second. It does not appear from the said bill that the right or title asserted the complainants has been established at law, but that the complainants are demanding relief in equity upon an alleged claim not heretofore by law established.

49 Third. It appears from the said bill that the defendants are in possession of lands claimed by the complainants and that as an appurtenance thereto are doing the acts sought to be enjoined, and that there is an adequate and sufficient remedy at law for the said complainants.

Fourth. It appears from the said bill that the defendants are in possession of the lands and premises for which title and claim is alleged, and that a complete and adequate remedy at law, if any, exists.

Fifth. It does not appear from the said bill that this court has jurisdiction of said cause, in that it is not shown by the facts averred that the case is one arising under the Constitution and Laws of the United States, or that it is between citizens of different States, and no other sufficient jurisdictional facts are averred.

Sixth. The facts in the said bill averred are indefinite and uncertain, in that it is not averred what part of the said lands described are upland and what part are submerged lands lying under the waters of Lake Michigan, or what part of the lands or premises are possessed by the respective defendants, but in all such respects the said bill is indefinite and uncertain.

Seventh. It does not appear from the said bill that the said lands therein described are not part of the fourteenth tract of land in Article III of said Treaty of 1795 ceded to the United States and in substance described as one piece of land six miles square at the mouth of the Chicago river emptying into the southwest end of Lake Michigan, where a fort formerly stood.

50 Eighth. The said Treaties, in so far as they vested the complainants or the said Pokagon Band of Indians any of the said lands were, long prior to the filing of said bill, supplanted by other Treaties with the said tribes, whereby all the rights, if any, acquired by the said complainants or the said tribes under the said Treaties, were re-ceded to the United States.

Ninth. It appears from the facts averred in the said bill that the said title or claim of the complainants is founded upon certain Treaties between the United States and the Pottawatomie tribe or

nation of Indians and other tribes, and there is no fact or circumstance alleged excepting or reserving the said lands and premises from the cessions made in the subsequent Treaties between the said tribes and the United States.

Tenth. It does not appear from the said bill that the said complainants have acquired, or could acquire, the said alleged title to the said lands.

Eleventh. It does not appear from the alleged facts set forth in said bill that the complainants, or either of them, have title to said premises, or any part thereof, either in law or in equity.

Twelfth. From the facts averred there is no equity in said bill.

Wherefore, the said defendant moves as aforesaid.

WINSTON, PAYNE, STRAWN & SHAW,
Sol'rs for M. C. R. R. Co.

(Endorsed:) Filed Dec. 2, 1913. T. C. MacMillan, Clerk.

51 And on to-wit: the second day of December, 1913, came the Cleveland, Cincinnati, Chicago & St. Louis Railway Company by its solicitor and filed in the clerk's office of said court its certain motion to dismiss the bill. Said motion is in words and figures following to-wit:

Motion of the Cleveland, Cincinnati, Chicago & St. Louis Ry. Co. to Dismiss Bill.

In the District Court of United States, Northern District of Illinois, Eastern Division.

In Equity. No. 133.

JOHN WILLIAMS et al, Members of Business Committee of the Pokagon Band of the Pottawatomie Nation of Indians,
vs.
CITY OF CHICAGO, CLEVELAND, CINCINNATI, CHICAGO & ST. LOUIS RAILWAY COMPANY, et al.

Motion of the Cleveland, Cincinnati, Chicago & St. Louis Railway Company, One of said Defendants in Above-entitled Cause.

Now comes the Cleveland, Cincinnati, Chicago & St. Louis Railway Company, by Robert J. Cary and Bertrand Walker, its solicitors, and moves the court to dismiss the said bill as to this defendant, because, as appears from the face of said bill, proper parties complainant are not joined and facts sufficient to constitute a valid cause of action in equity against it, this defendant are not stated, and for the following reasons appearing from the face of said bill.

52 First. The parties complainant are individuals described as members of a Business Committee of the Pokagon Band

of the Pottawatomie Nation of Indians, and bring their said action in behalf of themselves and of the members of said Band, and of all others, if any, who are entitled to join with them, but in said bill it is in substance averred that the claim made is for and on behalf of the said Pokagon Band of Pottawatomie Indians, while it appears from the said bill and the alleged Treaties that the said Treaty of August 3, 1795, was between the United States of America and the tribes of Indians called the Wyandots, Delawares, Shawnees, Ottawas, Chippewas, Putawatimes, Miamis, Eeelriver, Wesa's Kickapoos, Painashaws and Kaskaskias; and that the said Treaty of August 24, 1816, was between the Commissioners of the United States, on the one part, and the chiefs and warriors of the united tribes of Ottawas, Chippewas and Pottawatomies, residing on the Illinois and Milwaukee rivers and their waters, and on the southwest parts of Lake Michigan, and not with the said complainants, or with the said Pokagon Band; and no sufficient fact is averred showing right in the complainants or the said Pokagon Band to enforce the said Treaties, or any right for claim arising thereunder.

53 Second. It does not appear from said bill that the right or title asserted by the complainants has been established at law but that the complainants are demanding relief in equity upon an alleged claim not heretofore by law established.

Third. It appears from the said bill that the defendants are in possession of lands claimed by the complainants and that as an appurtenance thereto are doing the acts sought to be enjoined, and that there is an adequate and sufficient remedy at law for said complainants.

Fourth. It appears from said bill that defendants are in possession of the lands and premises for which title and claim is alleged, and that a complete and adequate remedy at law, if any, exists.

Fifth. It does not appear from said bill that this court has jurisdiction of said cause, in that it is not shown by the facts averred that the case is one arising under the Constitution and Laws of the United States, or that it is between citizens of different States, and no other sufficient jurisdictional facts are averred.

54 Sixth. The facts in said bill averred are indefinite and uncertain, in that it is not averred what part of said lands described are upland and what part are submerged lands lying under the waters of Lake Michigan, or what part of the lands or premises are possessed by the respective defendants, but in all such respects the said bill is uncertain and indefinite.

Seventh. It does not appear from said bill that said lands therein described are not part of the fourteenth tract of land in Article III of said Treaty of 1795 ceded to the United States and in substance described as one piece of land six miles square at the mouth of the Chicago River emptying into the southwest end of Lake Michigan, where a fort formerly stood.

Eighth. The said Treaties, in so far as they vested in the complainants or the said Pokagon Band of Indians any of the lands, were, long prior to the filing of said bill, supplanted by other Treaties

with the said tribes, whereby all the rights, if any, acquired by the said complainants or the said tribes under said Treaties, were receded to the United States.

Ninth. It appears from the facts averred in the said bill that the said title or claim of the complainants was founded upon certain Treaties between the United States and the Pottawatomie tribe or nation of Indians and other tribes, and there is no fact or circumstance alleged excepting or reserving the said lands and
55 premises from the cessions made in the subsequent Treaties between the said tribes and the United States.

Tenth. It does not appear from the said bill that said complainants have acquired, or could acquire, the said alleged title to said lands.

Eleventh. It does not appear from the alleged facts set forth in said bill that the complainants, or either of them, have title to said premises, or any part thereof, either in law or in equity.

Twelfth. From the facts averred there is no equity in said bill.

Wherefore, the said defendant, the Cleveland, Cincinnati, Chicago & St. Louis Railway Company, moves as aforesaid.

By ROBERT J. CARY,
BERTRAND WALKER,
Its Solicitors.

(Endorsed:) Filed Dec. 2, 1913. T. C. MacMillian, Clerk.

56 And on to-wit: the third day of December, 1913, came the South Park Commissioners by their solicitor and filed in the clerk's office of said court, their certain Motion to dismiss the bill. Said Motion is in words and figures following to-wit:

57 *Motion of South Park Commissioners to Dismiss Bill.*

District Court of the United States, Northern District of Illinois, Eastern Division.

In Equity.

JOHN WILLIAMS et al., Members of Business Committee of the Pokagon Band of the Pottawatomie Nation of Indians,
vs.
CITY OF CHICAGO, ILLINOIS CENTRAL RAILROAD COMPANY, et al.

Motion by the South Park Commissioners, One of said Defendants.

Now comes the South Park Commissioners, by Robert Redfield, its solicitor, and moves the court to dismiss the said bill as to this defendant, because, as appears from the face of the said bill, proper parties complainant are not joined and facts sufficient to constitute a valid cause of action in equity against it, this defendant, are not stated, and for the following points appearing from the face of the bill:

First. The parties complainant are individuals described as members of a Business Committee of the Pokagon Band of the Pottowatomie Nation of Indians, and bring their said action in behalf of themselves and of the members of said Band, and of all others, if any, who are entitled to join therein with them, but in said bill it is in substance averred that the claim is for and on behalf of the said Pokagon Band of Pottowatomie Indians, while it appears from the said bill and the alleged Treaties that the said Treaty of
58 August 3, 1795, was between the United States of America and the tribes of Indians called the Wyandots, Delawares, Shawnees, Ottawas, Chippewas, Putawatimes, Miamis, Eel-river, Wesa's, Kickapoos, Piankashaws and Kaskaskias; and that the said Treaty of August 24, 1816, was between the Commissioners of the United States, on the one part, and the chiefs and warriors of the united tribes of Ottawas, Chippewas and Pottawatomies, residing on the Illinois and Milwaukee rivers and their waters, and on the southwest parts of Lake Michigan, and not with the said complainants, or with the said Pokagon Band; and no sufficient fact is averred showing right in the complainants or the said Pokagon Band to enforce the said Treaties, or any right for claim arising thereunder.

Second. It does not appear from the said bill that the right or title asserted by the complainants has been established at law, but that the complainants are demanding relief in equity upon an alleged claim not heretofore by law established.

Third. It appears from the said bill that the defendants are in possession of lands claimed by the complainants and that as an appurtenance thereto are doing the acts sought to be enjoined, and that there is an adequate and sufficient remedy at law for the said complainants.

Fourth. It appears from the said bill that the defendants are in possession of the lands and premises for which title and claim is alleged, and that a complete and adequate remedy at law, if any, exists.

Fifth. It does not appear from the said bill that this court has jurisdiction of said cause, in that it is not shown by the facts averred that the case is one arising under the Constitution and Laws
59 of the United States, or that it is between citizens of different States, and no other sufficient jurisdictional facts are averred.

Sixth. The facts in the said bill averred are indefinite and uncertain, in that it is not averred what part of the said lands described are upland and what part are submerged lands lying under the waters of Lake Michigan, or what part of the lands or premises are — possession by the respective defendants, but in all such respects the said bill is indefinite and uncertain.

Seventh. It does not appear from the said bill that the said lands therein described are not part of the fourteenth tract of land in Article III of said Treaty of 1795 ceded to the United States and in substance described as one piece of land six miles square at the mouth of the Chicago River emptying into the southwest end of Lake Michigan, where a fort formerly stood.

Eighth. The said Treaties, in so far as they are vested in the com-

plainants or the said Pokagon Band of Indians any of the said lands were, long prior to the filing of said bill, supplanted by other Treaties with the said tribe, whereby all the rights, if any, acquired by the said complainants or the said tribes under the said Treaties, were receded to the United States.

Ninth. It appears from the facts averred in the said bill that the said title or claim of the complainants is founded upon certain Treaties between the United States and the Pottawatomie tribe or nation of Indians and other tribes, and there is no fact or circumstance alleged excepting or reserving the said lands and premises from the cessions made in the subsequent Treaties between the said tribes and the United States.

60 Tenth. It does not appear from the said bill that the said complainants have acquired, or could acquire, the said alleged title to the said lands.

Eleventh. It does not appear from the alleged facts set forth in said bill that the complainants, or either of them, have title to said premises, or any part thereof, either in law or in equity.

Twelfth. From the facts averred there is no equity in said bill.

Wherefore, the said defendant moves as aforesaid.

By ROBERT REDFIELD,
Its Solicitor.

(Endorsed:) Filed Dec. 3, 1913. T. C. MacMillan, Clerk.

61 And on to-wit, the thirty-first day of December, 1913, came the Illinois Steel Company by its solicitor and filed in the clerk's office of said court, its certain motion to dismiss the bill. Said motion is in words and figures following to-wit:

Motion to Dismiss.

District Court of the United States, Northern District of Illinois, Eastern Division.

In Equity. No. 133.

JOHN WILLIAMS et al., Members of the Business Committee of the Pokagon Band of the Pottawatomie Nation of Indians,
vs.
CITY OF CHICAGO, ILLINOIS STEEL COMPANY, et al.

Motion by the Illinois Steel Company, One of said Defendants.

Now comes Illinois Steel Company, by Knapp & Campbell, its solicitors, and moves the court to dismiss the said bill as to this defendant, because, as appears from the face of the said bill, proper parties complainant are not joined, and facts sufficient to

62 constitute a valid cause of action in equity aganist it, this defendant, are not stated, and for the following points appearing from the face of the bill.

First. The parties complainant are individuals described as members of a Business Committee of the Pokagon Band of the Pottawatomie Nation of Indians and bring their said action in behalf of themselves and of the members of said band and of all others, if any, who are entitled to join therein with them, but in said bill it is in substance averred that the claim made is for and on behalf of the said Pokagon Band of Pottawatomie Indians, while it appears from the said bill and the alleged Treaties that the said Treaty of August 3, 1795, was between the United States of America and the tribes of Indians called the Wyandots, Delawares, Shawnees, Ottawas, Chippewas, Pottawatomies, Miamis, Eelriver, Wesa's, Kickapoos, Painkaskawas and Kaskaskias, and that the said Treaty of August 24, 1816, was between the Commissioners of the United States on the one part and the Chiefs and Warriors of the United Tribes of Ottawas, Chipepwas and Pottawatomies, residing on the Illinois and Milwaukee rivers and their waters and on the southwest parts of Lake Michigan, and not with the said complainants or with the said Pokagon Band, and no sufficient fact is averred showing right in the complainants or the said Pokagon Band to enforce the said Treaties or any right for claim arising thereunder.

63 Second. It does not appear from the said bill that the right or title asserted by the complainants has been established at law, but that the complainants are demanding relief in equity upon an alleged claim not heretofore by law established.

Third. It appears from the said bill that the defendants are in possession of lands claimed by the complainants and that as an appurtenance thereto are doing the acts sought to be enjoined and that there is an adequate and sufficient remedy at law for the said complainants.

Fourth. It appears from the said bill that the defendants are in possession of the lands and premises for which title and claim is alleged and that a complete and adequate remedy at law, if any, exists.

Fifth. It does not appear from the said bill that this court has jurisdiction of the said cause in that it is not shown by the facts averred that the case is one arising under the Constitution and laws of the United States or that it is between citizens of different states, and no other sufficient jurisdictional facts are averred.

64 Sixth. The facts in the said bill averred are indefinite and uncertain, in that it is not averred what part of the said lands described are upland and what part are submerged lands, lying under the waters of Lake Michigan, or what part of the lands or premises are possessed by the respective defendants, but in all such respects the said bill is indefinite and uncertain.

Seventh. It does not appear from the said bill that the said lands therein described are not part of the fourteenth tract of land in Article III of said Treaty of 1795 ceded to the United States and in substance described as one piece of land six miles square at the mouth of the Chicago river, emptying into the southwest end of Lake Michigan, where a fort formerly stood.

Eighth. The said Treaties in so far as they vested in the complain-

ants or the said Pokagon Band of Indians any of the said lands, were long prior to the filing of said bill supplanted by other Treaties with the said Tribe, whereby all the rights, if any, acquired by the said complainants or the said Tribes, when the said Treaties were receded to the United States.

Ninth. It appears from the facts averred in the said bill that the said title or claim of the complainants is founded upon cer-
65 tain Treaties between the United States and the Pottawatomie Tribe or Nation of Indians and other Tribes and there is no fact or circumstance alleged excepting or reserving the said lands and premises from the cessions made in the subsequent Treaties between the said Tribes and the United States.

Tenth. Whatever title or right to the lands claimed the complainants may have had, if any, they have long since lost by abandoning said lands.

Eleventh. The complainants have lost whatever title or right they may have had in said land, if any, by their long and unexcused delay in protecting their alleged title and right.

Twelfth. It does not appear from the said bill that the said complainants have acquired or could acquire the said alleged title to the said lands.

Thirteenth. It does not appear from the alleged facts set forth in said bill that the complainants or either of them have title to said premises or any part thereof, either in law or in equity.

66 Fourteenth. From the facts averred there is no equity in said bill.

Wherefore, the said defendant moves as aforesaid.

KNAPP & CAMPBELL,
Solicitors for Illinois Steel Company.

(Endorsed:) Filed Dec. 31, 1913. T. C. MacMillan, Clerk.

67 And on to-wit; the twenty-seventh day of April, 1914, came the City of Chicago by its solicitor and filed in the clerk's office of said court its certain motion to dismiss in words and figures following to-wit:

Motion to Dismiss.

District Court of the United States, Northern District of Illinois, Eastern Division.

In Equity. No. 133.

JOHN WILLIAMS et al., Members of Business Committee of The Pokagon Band of Pottawatomie Nation of Indians.
vs.
CITY OF CHICAGO et al.

Motion by City of Chicago, One of the Defendants to Dismiss Amended Bill of Complaint.

Now comes the City of Chicago, one of the defendants herein, by William H. Sexton, Corporation Counsel, its solicitor, and moves the court to dismiss the said bill as amended as to this defendant, on the grounds that even if the matters and things in said bill contained be true, in such manner and form as the same are
68 therein set forth and alleged, the complainants have not in and by their bill as amended made or stated such a case as does or ought to entitle them to any such recovery or relief, as is thereby sought and prayed for, from or against this defendant, and for the following points appearing from the face of said bill as amended.

First. That proper parties complainant are not joined and facts sufficient to constitute a valid cause of action in equity against it, this defendant, are not stated.

Second. The parties complainant are individuals described as members of a Business Committee of the Pokagon Band of the Pottawatomie Nation of Indians, and bring their said action in behalf of themselves and of the members of said band, and of all others, if any, who are entitled to join therein with them, but in said bill as amended it is in substance averred that the claim is for and on behalf of the said Pokagon Band of Pottawotamie Indians, while it appears from the said bill and the alleged Treaties that the said Treaty of August 3, 1795 was between the United States of America and the tribes of Indians called the Wyndots, Delawares, Shawnees, Ottawas, Chippewas, Putawatimes, Miamis, Eel-river, Wesa's, Kickapoos, Piankashaws and Kaskaskias; and that the said Treaty of August 24, 1816 was between the Commissioners of the United States, on the one part, and the chiefs and warriors of the united tribes of Ottawas, Chippewas and Pottawatomies, residing on the Illinois and Milwaukee rivers and their waters, and on the southwest parts of Lake Michigan, and not with the said complainants, or with the said Pokagon Band; and no sufficient fact is averred showing right in the complainants or the said
69 Pokagon Band to enforce the said Treaties, or any right for claim arising thereunder.

Third. It does not appear from the said bill as amended that the right or title asserted by the complainants has been established at law, but that the complainants are demanding relief in equity upon an alleged claim not heretofore by law established.

Fourth. It appears from the said bill as amended that the defendants are in possession of lands claimed by the complainants and that as an appurtenance thereto are doing the acts sought to be enjoined, and that there is an adequate and sufficient remedy at law for the said complainants.

Fifth. It appears from the said bill as amended that the defendants are in possession of the lands and premises for which title and claim is alleged, and that a complete and adequate remedy at law, if any, exists.

Sixth. It does not appear from the said bill as amended that this court has jurisdiction of said cause, in that it is not shown by the facts averred that the case is one arising under the Constitution and Laws of the United States, or that it is between citizens of different States, and no other sufficient jurisdictional facts are averred.

Seventh. The facts in the said bill as amended, averred are indefinite and uncertain, in that it is not averred what part of the said lands described are upland and what part are submerged lands lying under the waters of Lake Michigan, or what part of the lands or premises are in possession by the respective defendants, but in all such respects the said bill is indefinite and uncertain.

70 Eighth. It does not appear from the said bill as amended that the said lands therein described are not part of the fourteen tract of land in Article III of said Treaty of 1795 ceded to the United States and in substance described as one piece of land six miles square at the mouth of the Chicago River emptying into the southwest end of Lake Michigan, where a fort formerly stood.

Ninth. The said Treaties, in so far as they vested in the complainants or the said Pokagon Band of Indians any of the said lands were, long prior to the filing of said bill, supplanted by other Treaties with the said tribe, whereby all the rights, if any, acquired by the said complainants or the said tribes under the said treaties, were re-ceded to the United States.

Tenth. It appears from the facts averred in the said bill as amended that the title or claim of the complainants is founded upon certain Treaties between the United States and the Pottawatomie tribe or nation of Indians and other tribes, and there is no fact or circumstance alleged excepting or reserving the said lands and premises from the cessions made in the subsequent Treaties between the said tribes and the United States.

Eleventh. It does not appear from the said bill as amended that the said complainants have acquired, or could acquire, the said alleged title to the said lands.

Twelfth. It does not appear from the alleged facts set forth in said bill as amended that the complainants, or either of them have title to said premises; or any part thereof, either in law or in equity.

Thirteenth. From the facts averred there is no equity in said bill as amended.

71 Wherefore, and for other good reasons appearing from said bill of complaint as amended, this defendant moves that said bill as amended be dismissed at complainants' costs and upon such other terms as may be just.

By WM. H. SEXTON,
Corporation Counsel, Its Solicitor.

JAMES G. SKINNER,
Assistant Corporation Counsel, of Counsel.

(Endorsed:) Filed Apr. 27, 1914. T. C. MacMillan, Clerk.

72 And on to wit: the twenty-seventh day of April, 1914, came the Illinois Central Railroad Company by its solicitors and filed in the clerk's office of said Court its certain Motion to dismiss Amended Bill. Said Motion is in words and figures following to-wit:

73 *Motion of Illinois Central Railroad Company to Dismiss Amended Bill.*

District Court of the United States, Northern District of Illinois, Eastern Division.

In Equity. No. 133.

JOHN WILLIAMS, Chief, et al., Members of Business Committee of the Pokagon Band of the Pottawatomie Nation of Indians,
vs.
CITY OF CHICAGO, ILLINOIS CENTRAL RAILROAD COMPANY, SOUTH PARK COMMISSIONERS, et al.

Amended Bill of Complaint.

Motion by the Illinois Central Railroad Company, One of said Defendants.

Now comes the Illinois Central Railroad Company, by W. S. Horton and J. G. Drennan, its Solicitors, and moves the court to dismiss the said Amended Bill of Complaint as to this defendant, because, as appears from the said bill, proper parties complainant are not joined and facts sufficient to constitute a valid cause of action in equity against it, this defendant, are not stated; and also for the following reasons appearing upon the face of said bill:

First. The parties complainant are individuals described as members of the Business Committee of the Pokagon Band of the Pottawatomie Nation of Indians, and bring their said action in behalf of themselves and of the members of said Band and of all others, if any, who are entitled to join therein with them; but in said bill it is in substance averred that the claim made is for and on behalf of the said Pokagon Band of Pottawatomie Indians; but it appears from the said bill and the alleged treaties that the said treaty of August

3, 1795 was between the United States of America and the tribes of Indians called the Wyandots, Delawares, Shawanoes, Ottawas, Chippewas, Putawatimes, Miamis, Eel-river, Weea's, Kickapoos, Piankashaws and Kaskaskias; that the said treaty of August 24, 1816 was between the Commissioners of the United States, on the one part, and the chiefs and warriors of the united tribes of Ottawas, Chippewas and Pottawatomies, residing on the Illinois and Milwaukee rivers and their waters, and on the southwest parts of Lake Michigan, and not with the said complainants, or with the said Pokagon Band; and no sufficient facts are averred showing right in the complainants or the said Pokagon Band to enforce the said treaties, or any right or claim arising thereunder.

74 Second. While said bill purports to be brought for the complainants and all members of the Pokagon Band of Pottawatomie Indians, and of all other members of the Pottawatomie Nation of Indians, "if any are entitled to join herein with them," it is not averred that other members of the said Pottawatomie Nation have an interest, nor is claim directly made therefor, nor is any reason or fact stated for failure to join in the said bill all persons for whom claim is made.

Third. It does not appear from the said bill that the right or title asserted by the complainants has been established at law; and on the contrary the complainants are demanding relief in equity upon an alleged claim of title not heretofore by law established.

Fourth. It appears from the said bill that the defendants are in possession of lands claimed by the complainants, and that as an appurtenance thereto are doing the acts sought to be enjoined, and that there is an adequate and sufficient remedy at law for the said complainants.

Fifth. It appears from the said bill that the defendants are in possession of the lands and premises for which title and claim is alleged, and that a complete and adequate remedy at law, if any, exists, and that the title of complainants, if any, in and to said lands, may be determined by suit at law.

Sixth. It does not appear from the said bill that this court has jurisdiction of the said cause, and it is not shown by facts averred that the cause is one arising under the Constitution and Laws of the United States, or that it is between citizens of different States, and no other sufficient jurisdictional facts are averred.

Seventh. The facts in the said bill averred are indefinite and uncertain, and it is not averred what part of the said lands described are upland and what part are submerged lands lying under the waters of Lake Michigan, or what part of the lands or premises are possessed by this defendant, or what part possessed by the respective defendants, but in all such respects the bill is indefinite and uncertain.

Eighth. It does not appear from the said bill that the said lands therein described are not part of the fourteenth tract of land in Article III of said treaty of 1795 ceded to the United States and in substance described as one piece of land six miles square at the mouth of the Chicago river emptying into the southwest end

75 of Lake Michigan, where a fort formerly stood; nor does it appear from any fact in the said bill averred that upon the

making of the said treaty the United States did not enter upon and take possession of the said piece of land six miles square so located, or that it has not, since that time, through the defendants, been in the possession thereof.

Ninth. The said treaties, in so far as they vested in the complainants, or the said Pokagon Band of Indians, or the said Pottawatomie Nation of Indians, any of the said lands by the said bill demanded, were, long prior to the filing of said bill, supplanted by other treaties with the said tribe or nation, whereby all the rights, if any, acquired by the said complainants, or the said band, nation or tribe, were receded to the United States.

Tenth. It appears from the facts averred in the said bill that the said title or claim of the complainants is founded upon certain treaties between the United States and the Pottawatomie tribe or nation of Indians, and other tribes; but it does not appear from any fact averred that by the said treaties, or any of them, the said complainants, or the said tribes or band, acquired the title to the said lands demanded, as alleged in the said bill. And by treaties subsequently made, of which judicial notice will be taken, the said Indian tribes or nations, re-ceded to the United States all the rights granted by the said treaties in said bill averred; and no fact or circumstance is alleged excepting or reserving the said lands and premises demanded from the cessions made in the said subsequent treaties.

Eleventh. Whatever right or title to the said lands and premises demanded complainants may have had, if any, has long since been lost by abandonment.

Twelfth. It is averred in the said bill that this defendant was given the right to construct its railroad along the said lands and premises in question, by an Act of the State of Illinois, approved February 10, 1851, and an ordinance of the City of Chicago, approved June 14, 1852, and that thereby this defendant was authorized to fill in portions of Lake Michigan now claimed by the complainants, and that under such authority this defendant did fill in portions of the said lake as was authorized by the State of Illinois and the City of Chicago. It further appears from the
76 said bill that the United States, State of Illinois and the City of Chicago and this defendant have for more than sixty years been exercising acts of possession and ownership over the said premises demanded, but no fact or excuse is alleged for failure of the complainants to begin their said suit or claim for said premises, or in any way excusing or explaining their laches in failing to protect their alleged claim and right.

Thirteenth. It does not appear from the said bill that the said complainants have acquired, or could acquire, the said alleged title to the said lands.

Fourteenth. It does not appear from the facts alleged in the said bill that the complainants, or either of them, have title to the said premises, or any part thereof, either in law or in equity.

Fifteenth. It appears from treaties between the United States and the said Indian tribes and the public laws of the United States subsequent to the treaties in the said amended declaration averred, that

all rights of the said Indian tribes to occupy or possess the said lands were surrendered and abandoned by the said tribes long prior to the commencement of the said suit.

Sixteenth. From the facts averred there is no equity in said bill. Wherefore, the said defendant moves as aforesaid.

W. S. HORTON,
J. G. DRENNAN,
Solicitors for Illinois Central Railroad Company.

(Endorsed:) Filed April 27, 1914, T. C. MacMillan, Clerk.

77 And on to-wit: the fourth day of May, 1914, in the record of proceedings thereof in said entitled cause before the Hon. George A. Carpenter, Judge of said Court, appears the following entry to-wit:

133.

JOHN WILLIAMS, Chief; MICHAEL WILLIAMS, Secretary; THOMAS Topash, Chairman Business Committee; Isaac Augusta, Frank Sawalk, Arthur A. Lexis, Lewis Baziel, and Stephen Topash, Members of Business Committee of the Pokagon Band of the Pottawatomie Nation of Indians,

vs.

CITY OF CHICAGO, ILLINOIS CENTRAL RAILROAD COMPANY, SOUTH Park Commissioners, Lincoln Park Commissioners, Illinois Steel Company, Michigan Central Railroad Company, Cleveland, Cincinnati, Chicago and St. Louis Railway Company and Minneapolis, St. Paul and Sault Ste. Marie Railway Company.

78 Now come the parties herein by their respective attorneys and the Court having considered and being now fully advised upon the respective motions of the defendants herein to dismiss the bill of complaint as amended,

It is ordered, adjudged and decreed that said motions to dismiss be and the same are hereby sustained, and that the bill of complaint as amended be and the same is hereby dismissed for want of equity at plaintiffs' costs and that the defendants have execution therefor.

79 And on to-wit: the twenty-ninth day of May, 1914, came the complainants in said entitled cause by their solicitor and filed in the clerk's office of said court their certain petition for appeal in words and figures following to-wit:

80 *Petition for Appeal.*

In the District Court of the United States for the Northern District of Illinois, Eastern Division.

In Equity. No. 133.

JOHN WILLIAMS, Chief; MICHAEL WILLIAMS, Secretary; THOMAS Topash, Chairman Business Committee; Isaac Augusta, Frank Sawalk, Arthur A. Lexis, Lewis Baziel, and Stephen Topash, Members of Business Committee of the Pokagon Band of the Pottawatomie Nation of Indians,

vs.

CITY OF CHICAGO, ILLINOIS CENTRAL RAILROAD COMPANY, SOUTH Park Commissioners, Lincoln Park Commissioners, Illinois Steel Company, Michigan Central Railroad Company, Cleveland, Cincinnati, Chicago and St. Louis Railway Company and Minneapolis, St. Paul and Sault Ste. Marie Railway Company.

The above named complainants John Williams, Chief; Michael Williams, Secretary; Thomas Topash, Chairman Business Committee; Isaac Augusta, Frank Sawalk, Arthur A. Lexis, Lewis Baziel, and Stephen Topash, members of Business Committee of the Pokagon Band of the Pottawatomie Nation of Indians, conceiving themselves aggrieved by the order entered in the above entitled cause on the 4th day of May, 1914, do hereby appeal from the said order to the Supreme Court of the United States and they pray that this, their appeal, may be allowed and that a transcript of the record and proceedings and papers upon which said order was made duly authenticated, may be sent to the Supreme Court of the United States.

JOHN WILLIAMS, *Chief;*
MICHAEL WILLIAMS, *Secretary;*
THOMAS TOPASH,
Chairman Business Committee.
ISAAC AUGUSTA,
FRANK SAWALK,
ARTHUR A. LEXIS,
LEWIS BAZIEL, AND
STEPHEN TOPASH,
Members of Business Committee of the Pokagon Band of the Pottawatomie Nation of Indians,
By W. W. DE ARMOND AND
J. G. GROSSBERG,
Their Solicitors.

Dated this 29th day of May, A. D. 1914.

(Endorsed:) Filed May 29, 1914. T. C. MacMillan, Clerk.

81 And on the same day to-wit: the twenty-ninth day of May, 1915, came the complainants in said entitled cause by their solicitor and filed in the clerk's office of said court their certain assignment of errors in words and figures following to-wit:

Assignment of Errors.

133.

JOHN WILLIAMS, Chief; MICHAEL WILLIAMS, Secretary; THOMAS Topash, Chairman Business Committee; Isaac Augusta, Frank Sawalk, Arthur A. Lexis, Lewis Baziel, and Stephen Topash, Members of Business Committee of the Pokagon Band of the Pottawatomie Nation of Indians, Appellants,

vs.

CITY OF CHICAGO, ILLINOIS CENTRAL RAILROAD COMPANY, SOUTH Park Commissioners, Illinois Steel Company, Michigan Central Railroad Company, Cleveland, Cincinnati, Chicago and St. Louis Railway Company and Minneapolis, St. Paul and Sault Ste. Marie Railway Company, Appellees.

Appeal from the District Court of the United States for the Northern District of Illinois to the Honorable George A. Carpenter, Presiding Judge.

82 And now come the said Appellants and make and file this their assignment of errors.

1. The said District Court erred in dismissing nisi the original bill of complaint filed in said District Court.

2. The said District Court erred in dismissing the bill of complaint as amended.

W. W. DE ARMOND AND
J. G. GROSSBERG,
Attorneys for Appellants.

(Endorsed:) Filed May 29, 1914. T. C. MacMillan, Clerk.

83 And on the same day to-wit: the twenty-ninth day of May, 1914, in the record of proceedings thereof in said entitled cause before the Hon. George A. Carpenter, Judge of said court appears the following entry to-wit:

133.

JOHN WILLIAMS, Chief,
vs.
CITY OF CHICAGO et al.

Now come the complainants by their solicitor and present to the court their petition for appeal and assignments of error and move

the court for the allowance of an appeal to the Supreme Court of the United States to have reviewed the decree heretofore entered herein in May 4, 1914.

It is ordered by the court that said appeal be and the same is hereby allowed upon the complainants filing a bond in the sum of two hundred and fifty dollars ($250.00) with security to be approved by the court.

84 And afterwards to-wit: on the seventeenth day of August, 1914, there was filed in the clerk's office of said court in said entitled cause a certain Appeal Bond in words and figures following to-wit:

85 *Appeal Bond.*

In the District Court of the United States for the Northern District of Illinois, Eastern Division.

In Equity. No. 133.

JOHN WILLIAMS, Chief; MICHAEL WILLIAMS, Secretary; THOMAS Topash, Chairman Business Committee; Isaac Augusta, Frank Sawalk, Arthur A. Lexis, Lewis Baziel, and Stephen Topash, Members of Business Committee of the Pokagon Band of the Pottawatomie Nation of Indians,

vs.

CITY OF CHICAGO, ILLINOIS CENTRAL RAILROAD COMPANY, SOUTH Park Commissioners, Illinois Steel Company, Lincoln Park Commissioners, Michigan Central Railroad Company, Cleveland, Cincinnati, Chicago and St. Louis Railway Company and Minneapolis, St. Paul and Sault Ste. Marie Railway Company.

Know all men by these presents that we John Williams, Chief; Michael Williams, Secretary; Thomas Topash, Chairman Business Committee; Isaac Augusta, Frank Sawalk, Arthur A. Lexis, Lewis Baziel, and Stephen Topash, members of Business Committee of the Pokagon Band of the Pottawatomie Nation of Indians, all residing in the state of Michigan and George J. Haberer, are held and firmly bound unto the above named City of Chicago, Illinois Central Railroad Company, South Park Commissioners, Illinois Steel Company, Lincoln Park Commissioners, Michigan Central Railroad Company, Cleveland, Cincinnati, Chicago and St. Louis Railway Company, and Minneapolis, St. Paul and Sault Ste. Marie Railway Company in the sum of Two Hundred and Fifty Dollars ($250.00) to be paid
86 to them, the said City of Chicago, Illinois Central Railroad Company, South Park Commissioners, Illinois Steel Company, Lincoln Park Commissioners, Michigan Central Railroad Company, Cleveland, Cincinnati, Chicago and St. Louis Railway Company, and Minneapolis, St. Paul and Sault Ste. Marie Railway Company for the payment of which well and truly to be made, we bind ourselves

and each of us, our and each of our heirs, executors, and administrators severally, jointly and firmly by these presents.

Sealed with our seals and dated the 15th day of August, 1914.

Whereas the above named John Williams, Chief; Michael Williams, Secretary; Thomas Topash, Chairman Business Committee; Isaac Augusta, Frank Sawalk, Arthur A. Lexis, Lewis Baziel, and Stephen Topash, members of Business Committee of the Pokagon Band of Pottawatomie Nation of Indians have prosecuted an appeal to the Supreme Court of the United States to reverse the decree rendered in the above entitled cause by the District Court of the United States for the Northern District of Illinois.

Now, therefore, the condition of this obligation is such that if the above named John Williams, Chief; Michael Williams, Secretary; Thomas Topash, Chairman Business Committee; Isaac Augusta, Frank Sakalk, Arthur A. Lexis, Lewis Baziel, and Stephen Topash, members of the Pokagon Band of the Pottawatomie Nation
87 of Indians shall prosecute their said appeal to effect and answer all damages and costs if they fail to make said appeal good, then this obligation shall be void, otherwise the same shall be and remain in full force and virtue.

JOHN WILLIAMS, *Chief*; [SEAL.]
MICHAEL WILLIAMS, *Secretary*; [SEAL.]
THOMAS TOPASH, *Chairman, and* [SEAL.]
ISAAC AUGUSTA, [SEAL.]
FRANK SAWALK, [SEAL.]
ARTHUR A. LEXIS, [SEAL.]
LEWIS BAZIEL, [SEAL.]
STEPHEN TOPASH, [SEAL.]
Members of Business Committee,
By JACOB G. GROSSBERG,
WILLIAM W. DE ARMOND,
Their Duly Authorized Agents and Attorneys in Fact.
GEORGE J. HABERER. [SEAL.]

Signed and delivered and taken and acknowledged this — day of July, 1914, by William DeArmond and Jacob G. Grossberg as the duly authorized agents and attorneys in fact of the within named John Williams, Chief, Michael Williams, Secretary, Thomas Topash, Chairman Business Committee, Isaac Augusta, Frank Sawalk, Arthur A. Lewis, Lewis Baziel and Stephen Topash, members of the Business Committee of the Pokagon Band of the Pottawa-
88–90 tomie Nation of Indians, and by the within named George J. Haberer this — day of August, 1914, before me.

—— ——.

Approved by
F. A. GEIGER,
Judge of the District Court of the United States of the Northern District of Illinois.

(Endorsed:) Filed August 17, 1914. T. C. MacMillan, Clerk.

* * * * * * *

91 & 92 UNITED STATES OF AMERICA, *ss:*

To the City of Chicago, a Municipal Corporation; Illinois Central Railroad Company, a Corporation, etc.; South Park Commissioners, a Municipal Corporation; Lincoln Park Commissioners, a Municipal Corporation; Illinois Steel Company, a Corporation, etc.; Michigan Central Railroad Company, a Corporation, etc.; Cleveland, Cincinnati, Chicago & St. Louis Railway Company, a Corporation, etc., and Minneapolis, St. Paul and Sault Ste. Marie Railway Company, a Corporation, Greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, at Washington, within 30 days from the date hereof, pursuant to an Order allowing an appeal entered and filed in the Clerk's Office of the District Court of the United States for the Northern District of Illinois wherein John Williams, Chief; Michael Williams, Secretary; Thomas Topash, Chairman Business Committee; Isaac Augusta; Frank Sawalk; Arthur A. Lexis; Lewis Baziel, and Stephen Topash, members of Business Committee of the Pokagon Band of the Pottawatomies Nation of Indians, are appellants and you are appellees, to show cause, if any there be, why the Decree rendered against the said Appellants as in the said Order mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness, the Honorable George A. Carpenter, United States District Judge, at Chicago, Illinois, this 3rd day of May, in the year of our Lord one thousand nine hundred fifteen (1915.)

GEO. A. CARPENTER, *Judge.*

93 Service of the within citation is hereby accepted this 8th of May A. D. 1915.

CITY OF CHICAGO,
By RICHARD S. FOLSOM,
Corporation Counsel, Solicitor.

Serivce of the within citation is hereby accepted this 8th day of May A. D. 1915.

ILLINOIS CENTRAL RAILROAD COMPANY
By W. S. HORTON, *Solicitor.*

Service of the within citation is hereby accepted this 6th day of May A. D. 1915.

SOUTH PARK COMMISSIONERS,
By ROBERT REDFIELD, *Solicitor.*

Service of the within citation is hereby accepted this 6 day of May A. D. 1915.

LINCOLN PARK COMMISSIONERS,
By FRANCIS O'SHAUGHNESSY, *Solicitor.*

Service of the within citation is hereby accepted this 6th day of May A. D. 1915.

ILLINOIS STEEL COMPANY,
By KNAPP AND CAMPBELL, *Solicitors.*

Service of the within citation is hereby accepted this 7th day of May A. D. 1915.

MICHIGAN CENTRAL RAILROAD COMPANY,
By WINSTON, PAYNE, STRAWN & SHAW,
Solicitors.

Service of the within citation is hereby accepted this 6th day of May A. D. 1915.

CLEVELAND, CINCINNATI, CHICAGO & ST. LOUIS RAILWAY COMPANY,
By GLENNON, CARY, WALKER & HOWE,
Solicitors.

Service of the within citation is hereby accepted this 10th day of May A. D. 1915.

MINNEAPOLIS, ST. PAUL & SAULT STE. MARIE RAILWAY COMPANY,
By VROMAN, MUNRO & VROMAN &
S. A. WARE, *Solicitors.*

94 [Endorsed:] 133. Supreme Court of the United States. John Williams, Chief, et al., vs. City of Chicago, et al. Citation. Burkhalter & Grossberg, 72 W. Adams Street, Chicago. Filed May 11, 1915, at — o'clock — M. J. C. MacMillian, Clerk.

95 In the Supreme Court of the United States, October Term, A. D. 1915.

No. 467.

JOHN WILLIAMS, Chief; MICHAEL WILLIAMS, Secretary; THOMAS TOPASH, Chairman Business Committee; Isaac Augusta, Frank Sawalk, Arthur A. Lexis, Lewis Baziel and Stephen Topash, Members of Business Committee of the Pokagon Band of Pottawatomie Nation of Indians, Appellants,

vs.

CITY OF CHICAGO, ILLINOIS CENTRAL RAILROAD COMPANY, SOUTH Park Commissioners, Lincoln Park Commissioners, Illinois Steel Company, Michigan Central Railroad Company, Cleveland, Cincinnati, Chicago and St. Louis Railway Company, and Minneapolis, St. Paul and Sault Ste. Marie Railway Company, Appellees.

To Richard S. Folsom, Corporation Counsel, and Jas. C. Skinner, Assistant Corporation Counsel, Solicitors for City of Chicago; W. S. Horton, Solicitor for Illinois Central Railroad Company; Rob't Redfield, Solicitor for South Park Commissioners; John O'Shaughnessy, Solicitor for Lincoln Park Commissioners; Knapp & Campbell, Solicitors for Illinois Steel Co.; Winston, Payne, Strawn & Shaw, Solicitors for Michigan Central R. R.; Rob't J. Carey, Bertrand Walker, Solicitors for Cleveland, Cincinnati, Chicago & St. Louis R. R. Co.; John T. Byrnes, Hiner, Bunch & Latimer, Solicitors for Minneapolis, St. Paul and Sault Ste. Marie Railway Company:

Please take notice that the following portions of the record in the above entitled cause were incorporated into the transcript of record in the District Court of the United States, for the Northern District of Illinois, on appeal of said cause to the Supreme Court of the United States:

96 First. The Amended Bill of Complaint.

Second. Exhibits "A" and "B" to the original Bill of Complaint.

Third. The several motions to dismiss the Amended Bill of Complaint:

Fourth. The order of Court dismissing Amended Bill of Complaint:

Fifth. Petition for the allowance of Appeal:

Sixth. Assignment of errors:

Seventh. Order allowing appeal:

Eighth. Appeal bond and order approving same.

Ninth. Citation and proof of service thereof.

Take notice further that the Appellants consider all said portions or parts of the record necessary for the consideration of the case by the said Supreme Court.

Take notice that Appellants intend to rely upon the following

errors, to-wit:

First. The District Court erred in sustaining the several motions of Appellees to dismiss the amended bill of complaint:

Second. The District Court erred in dismissing said amended bill of complaint.

WILLIAM W. DE ARMOND,
JACOB G. GROSSBERG,
Solicitors for Complainants.

97 Copy of the within notice received this 29th day of July A. D. 1915.

CITY OF CHICAGO,
By RICHARD S. FOLSOM, *Solicitor.*

July 28th, 1915.

ILLINOIS CENTRAL RAILROAD COMPANY,
By W. S. HORTON, *Solicitors.*

July 29th, 1915.

SOUTH PARK COMMISSIONERS,
By ROBERT REDFIELD, *Solicitor.*

July 29, 1915.

LINCOLN PARK COMMISSIONERS,
By FRANCIS O'SHAUGHNESSY, *Solicitor.*

July 29, 1915.

ILLINOIS STEEL COMPANY,
By KNAPP & CAMPBELL, *Solicitors.*

July 29, 1915.

MICHIGAN CENTRAL RAILROAD COMPANY,
By WINSTON, PAYNE, STRAWN & SHAW,
Solicitors.

July 28, 1915.

CLEVELAND, CINCINNATI, CHICAGO & ST. LOUIS RAILWAY CO.,
By W. S. HORTON, *Solicitors.*

July 29, 1915.

MINNEAPOLIS, ST. PAUL AND SAULT STE. MARIE RAILWAY COMPANY,
VROMAN, MUNRO & VROMAN, *Solicitors.*

98 [Endorsed:] No. 467. In the Supreme Court of the United States, October Term, A. D. 1914. John Williams, et al., vs. City of Chicago, et al. Notice. Burkhalter & Grossberg, 72 W. Adams Street, Chicago.

99 [Endorsed:] File No. 24731. Supreme Court U. S., October term, 1915. Term No. 467. John Williams, etc., et al., Appellants, vs. The City of Chicago et al. Statement of errors to be relied upon and designation by appellant of parts of record to be printed, and proof of service of same. Filed July 31, 1915.

Endorsed on cover: File No. 24731. N. Illinois, D. C. U. S. Term No. 128. John Williams, Chief, Michael Williams, Secretary, et al., appellants, vs. City of Chicago, Illinois Central Railroad Company, et al. Filed May 15th, 1915. File No. 24731.